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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 14, 2005.

Robert J. Lorch

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Application Number	:	09/885,307	Confirmation No. 4570
Filing Date	:	June 20, 2001	
Inventor(s)	:	Adam Kolawa, et al.	
Title	:	ACOUSTICAL PREFERENCE TUNER	
Group Art Unit	:	2644	
Examiner Name	:	Daniel R. Sellers	
Docket No.	:	41182/LTR/P797	Date: November 14, 2005

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### MAIL TO: Mail Stop RCE

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

This application is **not** an application of the kind specified in 37 CFR § 1.114(e).

#### 1. THE STATUS OF THE APPLICATION IS AS FOLLOWS:

a.  Pending (no review proceeding active)

(1)  An Action was mailed by the Office on August 12, 2005, as to which no appeal under 37 CFR § 1.191 has been filed and  
 a response under 37 CFR § 1.116 was faxed on October 11, 2005  
 via Express Mail  
 with certificate of fax under 37 CFR § 1.8

that Action was a Final Rejection, the finality of which is to be withdrawn by this Request

an appeal or civil action under 35 U.S.C. 141,145 or 146 has been terminated

(2)  Allowed: the Notice of Allowance was mailed by the Office on  
 the Issue Fee has not been paid

the Issue Fee has been paid and a petition under 37 CFR § 1.313 was granted on

b.  Pending (with review proceeding active)

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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

**Application No. 09/885,307**

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An appeal under 37 CFR § 1.191 has been filed. **Applicant(s) hereby withdraw that appeal and request reopening of the prosecution of the application.**

2. SUBMISSION(S) REQUIRED (check at least one)

a. Previously submitted

Consider the amendments/reply under 37 CFR § 1.116 previously filed on October 11, 2005  
 Consider the arguments in the Appeal or Reply Brief previously filed on  
 Other:

b. Enclosed

Amendment/Reply  
 Affidavit(s)/Declaration(s)  
 Information Disclosure Statement  
 Documents under 37 CFR § 1.48  
 Petition for Extension of Time  
 Other: one reference

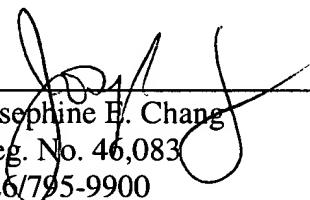
The Examiner is requested to telephone the undersigned promptly following receipt and initial review of the application in light of the Submissions(s) for the conduct of, or the scheduling of, a telephone interview in the application.

Please direct all correspondence to **CUSTOMER NUMBER 23363**. Direct telephone calls to 626/795-9900, **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, CA 91109-7068**.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By

  
Josephine E. Chang  
Reg. No. 46,083  
626/795-9900

JEC/rjl

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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
FEE CALCULATION SHEET**

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**Application No. 09/885,307**

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**PART I — BASIC FEE**

BASIC FEE	Small Entity \$395.00	Large Entity \$790.00	\$395.00
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**PART II — ADDITIONAL CLAIMS (compared to application before RCE)**

	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra Claims	Small Entity Rate	Large Entity Rate	FEE
Total Claims	37	*51	0	x \$25.00	x \$50.00	
Independent Claims	6	**8	0	x \$100.00	x \$200.00	0
First Presentation of Multiple Dependent Claim				\$180.00	\$360.00	0
<b>TOTAL CLAIMS FEE</b>						0

List Independent Claims: 1, 18, 24, 34, 40, 51, and 54

\* IF THE "HIGHEST NUMBER OF TOTAL CLAIMS PREVIOUSLY PAID FOR" IS LESS THAN 20, WRITE "20" IN THIS SPACE.

\*\* IF THE HIGHEST NUMBER PREVIOUSLY PAID OR IS 3 OR LESS, WRITE "3" IN THIS SPACE.

1. FEES (*The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.*)
  - a. Amount (total from Fee Calculation Sheet)  
A check for \$395.00 is enclosed.
  - b. X The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required for this transaction to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. A duplicate copy hereof is enclosed.

C. RJL PAS652766.1-\* 11/14/05 9:37 AM